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Attorneys for Defendants *Albertson's LLC* and *Albertson's Companies, LLC*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ELISSA SCHWARTZMANN, an individual

**Case No. 2:18-CV-01300-JCM-CWH**

**Plaintiff,**

**STIPULATION AND  
ORDER TO REMAND**

ALBERTSON'S, LLC; ALBERTSON'S COMPANIES, LLC; DOES 1 through 100 and ROE CORPORATIONS 101 through 200, inclusive.

## Defendants.

Plaintiff Elissa Schwartzmann (“Plaintiff”) and Defendants Albertson’s LLC and Albertson’s Companies, LLC (collectively “Defendants”) stipulate as follows:

1. On April 30, 2018, Plaintiff commenced an action in the Eighth Judicial District Court, Clark County, Nevada, entitled *Elissa Schwartzmann v. Albertson's LLC, et al.* as Case Number A-18-773722-C (the “Action”).

2. On July 16, 2018, Defendants filed a notice of removal of this Action pursuant to U.S.C. §1441(b) with the United States District Court for the District of Nevada.

3. Subsequent to removal, the parties have agreed that the total value of damages in this action does not exceed this Court's requisite amount of seventy-five thousand dollars (\$75,000.00) necessary to maintain subject matter jurisdiction. To that end, the parties hereby stipulate that this

Action be remanded to the Eighth Judicial District Court, Clark County, Nevada.

4. The parties further stipulate that Plaintiff waives any right to collect recovery of any monies above and beyond the seventy-five thousand dollars (\$75,000.00), exclusive of any interest, fees, and/or costs she may be entitled to, in this Action against Defendants resulting from the incident giving rise to this Action.

5. The parties further stipulate that each party shall bear their own attorneys' fees and costs with respect to the removal and subsequent remand of the Action pursuant to this stipulation and order.

## IT IS SO STIPULATED.

DATED: this 11<sup>th</sup> day of March, 2019.

DATED: this 11<sup>th</sup> day of March, 2019.

## BERNSTEIN & POISSON

## **BACKUS, CARRANZA & BURDEN**

By: /s/ Brian M. Boyer

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## **ORDER**

Based on the parties' stipulation and good cause appearing, IT IS HEREBY ORDERED that THIS ACTION IS **REMANDED** back to the Eighth Judicial District Court, Clark County, Nevada, Case No. A-18-773722-C, Department 8. The **Clerk of Court** is directed to **CLOSE THIS CASE**.

Dated: March 13, 2019.

**UNITED STATES DISTRICT JUDGE**

Respectfully Submitted,

## BACKUS, CARRANZA & BURDEN

/s/ Jack P. Burden

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